

## PART 516—APPLICATION PROCESSING GUIDELINES AND PROCEDURES

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AUTHORITY: 5 U.S.C. 552, 559; 12 U.S.C. 1462a, 1463, 1464, 2901 *et seq.*

SOURCE: 57 FR 14336, Apr. 20, 1992, unless otherwise noted.

### Subpart A—Application Processing Guidelines

#### § 516.1 Offices of the Office of Thrift Supervision; information and submittals.

(a) The headquarters of the OTS is located at 1700 G Street, NW., Washington, DC 20552. General information concerning the OTS may be obtained in person at that location or by written request to the OTS at the above address.

(b) The Regional Offices of the OTS and their regions are as follows:

(1) Northeast Regional Office, 10 Exchange Place Centre, 18th Floor, Jersey City, New Jersey 07302. (Region: Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.)

(2) Southeast Regional Office, 1475 Peachtree Street, NE., Atlanta, Georgia 30309. (Region: Alabama, District of Columbia, Florida, Georgia, Maryland, North Carolina, Puerto Rico, South Carolina, the Virgin Islands, Virginia.)

(3) Central Regional Office, 200 West Madison Street, Suite 1300, Chicago, Illinois 60606. (Region: Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, Wisconsin.)

(4) Midwest Regional Office, 122 W. John Carpenter Freeway, suite 600, Irving, Texas 75039. (Region: Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas.)

(5) West Regional Office, 1 Montgomery Street, Suite 400, San Francisco, California 94104. (Region: Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.)

(c) *Filings.* Applications, notices or other filings, as provided for in the OTS's regulations shall be submitted to the appropriate Regional Office, unless specifically noted otherwise in the procedures for a particular filing. The original and two conformed copies shall be filed for each application or notice. All copies should be clearly captioned as to the type of filing and should contain all exhibits and other pertinent documents. Application forms, notice forms and instructions are available from each Regional Office. Two additional conformed copies shall be filed with the Applications Filing Room, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC, 20552 of any application, notice or other filing that raises a significant issue of law or policy, as defined by OTS order or other OTS guidance. Additional copies, in addition to the three required for every application are required for the following applications:

(1) Merger or branch purchase applications filed pursuant to §563.22 of this chapter or notices filed pursuant to §574.3(b) of this chapter involving a merger (including a merger involving an interim association) or applications filed on Form H-(e)3 require four additional copies of the application. The copies should be labeled, respectively, “Department of Justice Copy,” “Comptroller Copy,” “Federal Reserve Copy,” and “FDIC Copy”.

(2) Any acquiror filing a notice pursuant to §574.3(b) of this chapter shall file three additional copies of the notice, and shall label such copies “FDIC Copy,” “Comptroller Copy,” and “Federal Reserve Copy,” respectively. In addition, any acquiror filing a notice pursuant to §574.3(b) of this chapter with respect to acquisition of a state-chartered association shall file an additional copy of the notice with the OTS labeled “State Supervisor Copy.”

(3) In the case of an application filed on Form H-(e)2 (other than an application pursuant to §574.3(c)(1)(iv) of this chapter), the applicant shall file one additional copy of the application with the OTS and shall label such copy “Department of Justice Copy.”

[57 FR 14336, Apr. 20, 1992, as amended at 58 FR 4312, Jan. 14, 1993; 60 FR 66717, Dec. 26, 1995]

#### §516.2 Applications processing guidelines.

(a) *General.* (1) To ensure the timely processing of applications and notices, the OTS hereby sets forth guidelines for the processing of completed applications and notices (hereinafter collectively referred to as “applications”) filed with the OTS. This section does not apply to applications or requests related to transactions pursuant to section 13 (c) or (k) of the Federal Deposit Insurance Act, 12 U.S.C. 1823 (c), (k); or requests submitted in connection with cease-and-desist orders, temporary cease-and-desist orders, removal and/or prohibition orders, temporary suspension orders, supervisory agreements or directives, consent merger agreements, or documents negotiated in settlement of litigation (including requests for termination or modification of, or for approval pursuant to, such orders, agreements, or doc-

uments), or similar litigation or enforcement matters. Requests submitted in connection with cease-and-desist orders, removal and/or prohibition orders, supervisory agreements or directives, consent merger agreements, and other documents negotiated in settlement of litigation (“enforcement documents”) are not covered by this section. However, the fact that a regulation involving an application may be mentioned in an enforcement document does not mean that this section does not apply to that application. Requests to engage in activities that are specifically restricted by enforcement documents and requests for termination or modification of such documents are not covered by this section. Applications submitted pursuant to a regulatory requirement that the prior approval of the OTS be obtained before engaging in a proposed activity, however, are covered, whether or not mentioned in an enforcement document. If the application or request is unique to the enforcement document, then it is not covered by this section.

(2) Requests for reconsideration, modification, or appeal of final agency actions of the OTS are not covered by this section. In addition, where other regulations of the OTS establish specific procedures for processing of applications or set forth specific time periods for automatic approval of applications unless such applications are disapproved or objections are raised, the provisions of those regulations are controlling with respect to the matters to which they pertain. Where a regulation sets forth a procedure for processing an application but does not contain a time period pursuant to which such application is to be processed, the application will be processed under the procedure established by the regulation, but will be subject to the time periods contained in this section.

(b) *Applications submitted for review.* An application submitted to the OTS for processing shall be submitted on the designated form and shall comply with all applicable regulations and guidelines governing the filing of such applications. The OTS is required to notify an applicant in writing within 5 business days of receipt of an application.